

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

EDWARD BUTOWSKY

v.

U.S. DEPT. OF JUSTICE, et al.

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CIVIL ACTION No. 4:21CV774

JUDGE SEAN D. JORDAN

JUNE 6TH JOINT STATUS REPORT & PROPOSED PRODUCTION SCHEDULE

Defendants, the United States Department of Justice (“DOJ”), and Plaintiff, Ed Butowsky, file this Joint Status Report in compliance with the Court’s Scheduling Order [ECF 6].

INTRODUCTION

This case involves one FOIA request, dated August 17, 2021, which contains 26 numbered subparts and one unnumbered subpart. All searches are complete, and only EOUSA has located potentially responsive documents. All other agencies and components have issued no records responses, and the parties agree that the no records responses are not at issue in this litigation. The production schedule and briefing schedule will only apply to EOUSA, and the parties agree to jointly submit a briefing schedule when production is complete.

EOUSA’s Proposed Production Schedule

EOUSA has located 4,763 pages of potentially responsive documents. EOUSA requests that the Court approve a processing rate of 350 pages per month, which is EOUSA’s standard processing rate. At this rate, processing would take approximately 14

months to complete. EOUSA's explanation for its general policy of reviewing 350 pages per month for any given matter is set forth in detail in the attached declaration of Kara Cain. [Exhibit A].

Plaintiff's Proposed Production Schedule

Plaintiff requests that the Court approve a processing rate of 500 pages per month. The Federal Bureau of Investigation, which is a component of the U.S. Department of Justice, normally processes records at a rate of 500 pages per month. *See Huddleston v. Fed. Bureau of Investigation*, No. 4:20-CV-447, 2021 WL 1837548, at *2 (E.D. Tex. May 7, 2021). Despite that policy, the FBI has sometimes been ordered to produce records at more than ten times that rate. *See Villanueva v. United States Dep't of Justice*, No. 19-23452-CIV, 2021 WL 5882995, at *3 (S.D. Fla. Dec. 13, 2021). The Department of Justice's prosecution of Ari B. Teman is a matter of significant public interest, particularly insofar as there are allegations of prosecutorial misconduct. *See, e.g.*, Matthew Russell Lee, "Ari Teman Said His Lawyer May Have Spied For SDNY, Gets Year and A Day, Will Appeal," July 29, 2021 *Inner City Press*, <http://www.innercitypress.com/sdny7aritemanicp072821.html> and Ron Kampeas, "The Orthodox and the unorthodox appeal to pardon comedian Ari Teman," November 1, 2020 *Jerusalem Post*, <https://www.jpost.com/american-politics/the-orthodox-and-the-unorthodox-appeal-to-pardon-comedian-ari-teman-647555>. Given the public interest, a 500-page-per-month production rate is entirely reasonable.

Respectfully submitted,

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/s/ **Ty Odell Clevenger (with permission)**

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